

Montana Arts Council
Artists in Schools and Communities FY 2008
T.E.A. grant application

The Application

All responses must be typed.

Please submit one copy of the application and all attachments. Applications that do not meet the guidelines will be returned for revision and completion.

A. Site Information

Sponsor Name (School) _____

Address _____

City _____ County _____

State _____ Zip code _____

Federal Tax ID # _____

Principal _____

Phone: Day _____

Fax _____

e-mail _____

Teacher _____

Grade _____

Phone: Day _____ Evening _____ Cell _____

Fax _____ e-mail _____

Tentative Project Start and End Dates _____

B. Artist

Name _____

(Attach resume or biography and work sample if not listed in the Montana Arts Council's Artists Registry)

Artistic Discipline _____

C. Narrative

Please address each of the following questions using a total of one single-sided typed page.

1. Give a brief description of the skills and knowledge the teacher wants to learn during the process of working with the artist.
2. Proposed schedule (dates and times) of when the teacher and artist will work together. A minimum of eight hours contact time is required.

The grant award is for \$500. There is no cash match required. The match is provided through the teacher's time and commitment.

D. School Principal

I do hereby certify that all figures, facts and representations made in this application, including all exhibits and attachments made a part of this application, are true and correct to the best of my knowledge and belief. I certify that we have read and accept the Terms and Conditions.

The school must pay the artist \$500 on the last day of the project. Payment to the school will then be made within two weeks of the Montana Arts Council's receipt of final reports from the Teacher and Artist. All final reports are due within one month of project completion.

Name _____ Title _____

Signature _____ Date _____

Teacher

I do hereby certify that all figures, facts and representations made in this application, including all exhibits and attachments made a part of this application, are true and correct to the best of my knowledge and belief.

Name _____ Title _____

Signature _____ Date _____

Note: Applications will not be considered unless also signed by artist below

Artist

I have worked with the Teacher on developing this proposal and am in agreement with all the information presented herein.

Signature _____ Date _____

Mail to: Montana Arts Council, PO Box 202201, Helena, MT 59620-2201

Federal Assurances

These assurances are available in large type upon request.

Please read these Terms and Conditions carefully.

Applicant organizations must adhere to federal and state fair labor standards, civil rights statutes, Americans with Disabilities Act (ADA) accessibility regulations, age discrimination statutes, regulations regarding lobbying with appropriated monies, and accounting record requirements.

Legal Requirements (Office of Management & Budget (OMB) Circulars, Statutes, and Regulations that Govern Your Award)

1. Uniform Administrative Requirements

Nonprofit organizations and colleges and universities are subject to the provisions of OMB Circular A-110 ("Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Nonprofit Organizations"),² as amended. Units of state and local governments and Federally-recognized Indian Tribal governments are subject to the administrative requirements codified by the Arts Endowment at "45 Code of Federal Regulations (CFR) Part 1157 - Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments" ("Common Rule"). Both are available through a link on our Web site.

The "Uniform Administrative Requirements" establish administrative standards to ensure consistency among recipients of Federal awards. These include financial and program management, property and procurement standards, cost sharing or matching, and reporting and record retention.

As applicable, these documents, by reference, are hereby incorporated into this award.

2. Cost Principles

The allowability of costs for work performed under an Arts Endowment award shall be determined in accordance with the applicable Federal cost principles and the terms and conditions of the award. The following OMB Circulars set forth the Federal cost principles that, in general, apply to our recipients. They are available through a link on our Web site.

These cost principles, as applicable, are hereby incorporated into this award:

OMB Circular A-122, "Cost Principles for Nonprofit Organizations," as amended: nonprofit organizations, exclusive of institutions of higher education;

OMB Circular A-21, "Cost Principles for Educational Institutions," as amended: public and private institutions of higher education;

OMB Circular A-87, "Cost Principles for State and Local Governments," as amended: state, local and Federally recognized Indian tribal governments; and

Federal Acquisition Regulation (FAR) at 48 CFR Part 31 for commercial organizations, individuals, and those nonprofit organizations listed in Attachment C to OMB Circular A-122. **This applies only to recipients of cooperative agreements (i.e., cooperators).** The FAR is available online at www.arnet.gov/far.

These uniform administrative requirements also apply to commercial organizations when they are awarded cooperative agreements.

3. Nondiscrimination and Other Assurances

Nondiscrimination and Other Statutes. You must execute projects, productions, workshops and programs in accordance with the following laws, where applicable. Copies of these regulations are available through links on our Web site and from our Office of Civil Rights, National Endowment for the Arts, 1100 Pennsylvania Avenue, N.W., Washington, DC 20506-0001. Telephone 202/682-5454; FAX 202/682-5553.

Title VI of the Civil Rights Act of 1964, as amended, provides that no person in the United States shall, *on the grounds of race, color, or national origin*, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance. Title VI also extends protection to persons with limited English proficiency. (42 U.S.C. 2000d et seq.)

Title IX of the Education Amendments of 1972 provides that no person in the United States shall, *on the basis of sex*, be excluded from participation in, be denied benefits of, or be subject to discrimination under any education program or activity receiving Federal financial assistance. (20 U.S.C. 1681 et seq.)

The Age Discrimination Act of 1975 provides that no person in the United States shall, *on the basis of age*, be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance. (42 U.S.C. 6101 et seq.)

Section 504 of the Rehabilitation Act of 1973 provides that no otherwise qualified individual with a disability in the United States, shall, *solely by reason of his/her disability*, be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance. (29 U.S.C. 794)

The Americans with Disabilities Act of 1990 ("ADA") prohibits discrimination *on the basis of disability* in employment (Title I), state and local government services (Title II), places of public accommodation and commercial facilities (Title III). (42 U.S.C. 12101-12213)

Section 504 - Self-Evaluation and Additional Resources. A Section 504 self-evaluation must be on file at your organization. We have developed a *504 Self Evaluation Workbook* (which covers programs, activities and facilities) that you may use to determine if you are in compliance with 504 requirements. If you have not previously conducted this self-evaluation or wish to update the results of previously conducted evaluations, you may request a copy of the *Workbook*. The document is available free of charge from the Arts Endowment's Office of Civil Rights. Telephone 202/682-5454; FAX 202/682-5553; TDD 202/682-5695.

Design for Accessibility: A Cultural Administrator's Handbook provides guidance on making access an integral part of an organization's staffing, mission, budget, and programs. Contact your State Arts Agency for a free copy of the book or you may purchase copies from the National Assembly of State Arts Agencies, 202/347-6352 or www.nasaa-arts.org. The Handbook and other resources may also be downloaded from the Arts Endowment's Web site National Endowment for the Arts (www.arts.gov) 6 General Terms at www.arts.gov/resources/Accessibility. If you have questions, contact the Office of AccessAbility at 202/682-5733; FAX 202/682-5715, Voice/T.T. (Text-Telephone) 202/682-5496.

c. **Labor Assurance.** You must also certify to the Arts Endowment that you will comply with the labor standards set out in "29 CFR Part 505 - Labor Standards on Projects or Productions Assisted by Grants from the National Endowments for the Arts and Humanities." This is required by the National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951 et seq.). You provide this assurance by signing and returning to the Grants & Contracts Office the Request for Advance or Reimbursement form.

d. **Federal Debt Status** (OMB Circular A-129). You may not be delinquent in the repayment of any federal debt.

Examples of relevant debt include delinquent payroll or other taxes, audit disallowances, and benefit overpayments.

e. **Other Assurances.** You are also required to execute projects, productions, workshops and programs in accordance with the requirements of the National Endowment for the Arts' regulations implementing Executive Orders 12549 and 12689, "Debarment and Suspension," and the Drug-Free Workplace Act of 1988; and 20 U.S.C. Sec. 951 et seq., the Arts Endowment's enabling legislation that requires "artistic excellence and artistic merit" to be included in the criteria upon which grants are awarded. Starting with FY 05, educational institutions receiving federal funds from any agency shall hold an educational program on the U.S. Constitution on September 17 [PL 108-447, Division J, Section 111(b)]. For more information on how to implement this requirement and suggested resources, see <http://www.ed.gov/legislation/FedRegister/other/2005-2/052405b.html>.

4. Lobbying

You may not conduct political lobbying, as defined in the statutes, regulations and OMB Circulars listed below, within your Federally-supported project. In addition, you may not use Federal funds for lobbying specifically to obtain grants or cooperative agreements. For definitions and other information on these restrictions, refer to the following:

"No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, a jurisdiction, or an official of any government, to favor, adopt, or oppose, by vote or otherwise, any legislation, law, ratification, policy, or appropriation, whether before or after the introduction of any bill, measure, or resolution proposing such legislation, law, ratification, policy, or appropriation; but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to any such Member or official, at his request, or to Congress or such official, through the proper official channels, requests for any legislation, law, ratification, policy, or appropriations which they deem necessary for the efficient conduct of the public business, or from making any communication whose prohibition by this section might, in the opinion of the Attorney General, violate the Constitution or interfere with the conduct of foreign policy, counter-intelligence, intelligence, or national security activities."

b. **OMB Circular A-122 – "Lobbying" Revision** clarifies that lobbying is an unallowable project cost. The Circular generally defines lobbying as conduct intended to influence the outcome of elections or to influence elected officials regarding pending legislation, either directly or through specific lobbying appeals to the public. You should review carefully both this Circular and Circular A-110 (see Items 5 and 6).

c. **Certification Regarding Lobbying to Obtain Grants.** Section 319 of Public Law 101-121, codified at 31 U.S.C. Sec. 1352 prohibits the use of Federal funds in lobbying members and employees of Congress, as well as employees of Federal agencies, with respect to the award or amendment of any Federal grant, cooperative agreement, contract, or loan. While non-Federal funds may be used for such activities, their use must be disclosed to the awarding Federal agency. Disclosure of lobbying activities by long-term employees (employed or expected to be employed for more than 130 days) is, however, not required. In addition, the law exempts from definition of lobbying certain professional and technical services by applicants and awardees.

We strongly advise you to review these regulations carefully. They are published at 45 CFR Part 1158, and can be found at <http://www.gpoaccess.gov/nara/>.

5. **The Drug-Free Workplace Act** requires you to publish a statement about your drug-free workplace program. You must give a copy of this statement to each employee (including consultants and temporary personnel) who will be involved in award-supported activities at any site where these activities will be carried out. You must maintain on file the place(s) that work is being performed under this award (i.e., street address, city, state and zip code.) You must notify the Arts Endowment's Grants & Contracts Officer of any employee convicted of a violation of a criminal drug statute that occurs in the workplace. (41 U.S.C. 701 et seq. and 45 CFR Part 1154)

6. **The Native American Graves Protection and Repatriation Act of 1990** applies to any organization which controls or possesses Native American human remains and associated funerary objects, and which receives Federal funding, even for a purpose unrelated to the Act. (25 U.S.C. 3001 et seq.)

7. **The National Historic Preservation Act of 1966** applies to any Federal funds that would support either the planning or major renovation of any structure eligible for or on the National Register of Historic Places, in accordance with Section 106. This law also applies to new construction that would affect such properties. We will consult with your State Historic Preservation Officer, as appropriate, to determine the impact of your plan or renovation on the structure or any affected properties. Any change in your design, renovation, or construction plans must be submitted to us for review and approval *prior* to undertaking any of the proposed changes. You may be requested to provide additional information on your project to ensure compliance with the Act. (16 U.S.C. 470)

8. **The National Environmental Policy Act of 1969** applies to any Federal funds that would support an activity that may have environmental implications. We may ask you to respond to specific questions in accordance with the Act. We will then determine whether to undertake an environmental assessment or issue a "finding of no significant impact," which requires no additional action by you or the Arts Endowment. (42 U.S.C. Section 4332)

9. **Subgranting:** A subgrant is an award made by a grantee or cooperator using award and/or matching funds (i.e., an award resulting from Arts Endowment support, but not one made directly by the agency). A subgrant exists when funds are regranted to an individual or an organization for activities conducted independently of the direct award recipient and for the benefit of the subgrantee's program objectives. A subgrant recipient is neither directly employed by nor affiliated with the direct award recipient. Please be aware that a subgrant relationship could exist, even if you call the agreement a contract.

Per our legislation, only State Arts Agencies, Regional Arts Organizations, and Local Arts Agencies are eligible to subgrant Arts Endowment funds.

General Subgranting Requirements

Subgranting to Eligible Organizations, Units of State and/or Local Government. 501(c)3 nonprofit organizations, units of state or local government, or Federally-recognized Indian tribal governments are eligible to receive funds subgranted through an Arts Endowment award.

The Federal laws, rules, regulations and OMB Circulars that apply to Arts Endowment organizational award recipients generally also apply to such organizations when they receive a subgrant through an Arts Endowment-supported award. Thus, you should inform subgrantees that they are receiving Federal funds from the National Endowment for the Arts, and that they must comply with these mandates. Provide them with the Federal grant number and CFDA number. You should also inform your subgrantees that there may be no overlapping project costs between two or more Federal awards.

(2) **Additional Requirements for Subgranting to Organizations and Individuals.** Your subgrant agreements must include a requirement that the subgrantee (a) provides you with final reports and any other information or reports necessary for you to fulfill all applicable Federal reporting requirements; (b) adheres to the prohibition against lobbying within a Federally-supported grant or cooperative agreement (Item 8); (c) uses U.S. air carriers for foreign travel (Item 19), and (d) maintains records pertinent to the award for three years following submission of the final report. Finally, consistent with 41 U.S.C. 10a-10c, "Buy American Act," subgrantees should be encouraged to purchase American-made equipment and products (Item 29).

b. **Progress Reports.** State Arts Agencies (SAAs) should require a progress report from their subgrantees, with discretion to determine when these reports must be submitted.

c. **Artistic Excellence and Artistic Merit.** In accordance with the Arts Endowment's enabling legislation, you must include "artistic excellence and artistic merit" in the review criteria used to make the subgrant awards. (20 U.S.C. Sec. 951 et seq.)

d. **Time extensions.** You should request a period of support time extension (not a final report due date extension) from the Arts Endowment whenever a subgrantee's project cannot be completed within your grant period. See Item 18—Award Amendments.

e. **Subgrantee records.** You must keep subgrantees' report submissions on file for three years from the date you submit your financial status report to the Arts Endowment.

10. Termination

There are circumstances under which we may determine that it is in the best interests of the government to terminate an award. OMB Circular A-110, Sections 61 & 62, and the "Common Rule," Sections 1157.43 and .44, respectively, provide uniform termination procedures for Federal awards. Grants and cooperative agreements may be terminated in whole or in part --

For Convenience:

- By you upon sending us written notification setting forth the reasons for such termination, effective date, and in the case of partial termination, the portion of the project to be terminated.
- By us with your consent, in which case the two parties shall agree upon termination conditions, including the effective date and, in the case of partial termination, the portion of the project to be terminated.

However, if we determine that the reduced or modified portion of the award will not accomplish the purposes for which it was made, we may terminate the award in its entirety.

For Cause by us if you materially fail to comply with the terms and conditions of an award.

In either case, this may result in our taking additional actions such as requiring you to return a portion or all of the award funds, requesting that you remove acknowledgement of Arts Endowment support, etc.

11. Suspension and Debarment

There are circumstances under which we may receive information concerning your fitness to carry out a project and administer Federal funds—for instance:

Conviction of, or a civil judgment for, the commission of fraud, embezzlement, theft, forgery, making false statements;

Any other offense indicating a lack of business integrity or business honesty that seriously and directly affects your present responsibility; or

Any other cause of so serious or compelling a nature that it affects an organization's present responsibility.

In these circumstances, we may need to act quickly to protect the interest of the government by suspending your funding while we undertake an investigation of the specific facts. We may coordinate our suspension actions with other Federal agencies that may have an interest in our findings. A suspension may result in your debarment from receiving Federal funding government-wide for up to three years.

IMPORTANT ADDITIONAL INFORMATION

1. **Uniform Administrative Requirements**

- a. Grant recipients which are units of state and local governments or are federally-recognized Indian Tribal Governments are subject to the administrative requirements codified by the Endowment at 45 CFR Part 1157 – “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments” (“Common Rule”)
- b. Sub-grantees which are non-profit organizations, colleges and universities are subject to the requirements of Office of Management and Budget (OMB) circular A-110, “Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Non-profit Organizations,” as amended.

2. **Native American Graves Protection and Repatriation Act of 1990** applies to any organization which controls or possesses Native American human remains and associated funerary objects, and which receives federal funding, even for a purpose unrelated to the Act. (25 U.S.C. 3001 et seq.)

3. **National Historic Preservation Act of 1966, as amended.** This law applies to any federal funds that would support either the planning or major renovation of any structure eligible for or on the National Register of Historic Places, in accordance with Section 106 of the National Historic Preservation Act of 1966. This law also applies to new construction that would affect such properties. Your state arts agency or regional arts organization, in conjunction with your State Historic Preservation Officer, is required to provide the arts endowment with a finding as to the impact of your plan or renovation on the structure or any affected properties. Any substantial change in your renovation or construction plans must be submitted to the arts endowment through your state arts agency or regional arts organization for review and approval prior to undertaking any of the proposed changes. (16 U.S.C. 470)

4. **National Environmental Policy Act of 1969.** This law applies to any federal funds that would support an activity which may have environmental implications. Your state arts agency or regional arts organization may request that you provide information to the arts endowment in response to specific questions in accordance with the National Environmental Policy Act of 1969. The arts endowment will then determine whether to undertake an environmental assessment or issue a “finding of no significant impact.” A “finding of no significant impact” requires no additional action by the arts endowment or you. (42 U.S.C. Section 4332)

5. **A-133 Audit Requirements.** OMB Circular A-133, “Audits of States, Local Governments and Nonprofit Organizations,” includes specific guidance for conducting financial and compliance audits. The threshold for requiring an audit is \$300,000 in *yearly expenditures* of federal awards. This amount is the aggregate of funds from all federal sources.

6. **Per state law MCA 2-3-203. Meetings of public agencies and certain associations of public agencies to be open to the public.** All meetings of public or governmental bodies, boards, bureaus, commissions, agencies of the state, or any political subdivision of the state or organizations or agencies supported in whole or in part by public funds or expending public funds must be open to the public. This means all organizations funded by state monies at any level must open their meetings to the public. For complete details, please refer to the law above located on the web at: <http://data.opi.mt.gov/bills/mca/2/3/2-3-203.htm>.

The 2003 Legislature made a change in this law that now requires every board covered by the open meeting act also to have a public comment session that allows individuals to comment on matters that are within the jurisdiction of the agency conducting the meeting, even if they are not on the agenda of the meeting. If something is on the agenda, then the person shall be required to wait until it comes up and not speak during the general public comment period. The applicant will comply with all State of Montana laws including the open meeting law.

7. In order to receive federal funds educational institutions are required to hold an educational program on the U.S. Constitution on September 17 of the grant year.